

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-306-C - ORDER NO. 2009-64

FEBRUARY 17, 2009

IN RE: Complaint of Becker Complete Compactor, Inc. v. Deltacom, Inc.	) ORDER DISMISSING ) COMPLAINT WITH ) PREJUDICE AND ) CLOSING DOCKET
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This matter comes before the Public Service Commission of South Carolina (“Commission”) on the request of Becker Complete Compactor, Inc. (“Becker”) to “close out the case” and on the motion of Deltacom, Inc. (“Deltacom”) to dismiss with prejudice the above-referenced complaint. This proceeding was established August 7, 2008, by way of a complaint filed by Becker against Deltacom.

On January 13, 2009, via email correspondence, Becker advised that it was unable to file testimony in the proceeding and requested that the case be closed. Subsequently, on January 14, 2009, Deltacom filed a motion to dismiss with prejudice on the grounds that Becker had failed to prosecute its claim by failing to file testimony in support of its allegations and Becker expressing that it did not intend to file testimony at all. Also, Deltacom cites Becker’s email statement to all parties, “please close out our case”, as further grounds for dismissal.

As Becker has requested to close the docket and Deltacom has moved to dismiss the complaint, we will deem these filings as a consent motion to dismiss the case.

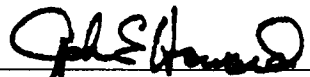
Accordingly, the complaint of Becker Complete Compactor, Inc. against Deltacom, Inc. is hereby dismissed, and Docket No. 2008-306-C is closed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)